IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO : 187 of 1995

Between:

1. Md.Mujeebuddin, s/o. Ammenuddin
   Jagtial, Karimnagar Dist.
2. Ifthakaruddin, s/o. Nazeeruddin,
   Jagtial, Karimanagar Dist.
3. ChittaVenkanna, s/o.Gangaram,
   Jatial, Karimnagar Dist.
4. Md.Makireddhin, s/o. Moosa,
   Jagtial, Karimnagar Dist.
5. . Nehmathulla, s/o. Khader,
   Jagtial, Karimnagar Dist.
6. Rajesham, s/o. Laxman,
   Jagtial, Karimnagar Dist.
7. Chevupally Mohan, s/o. Mallaiah,
   Jagtial, Karimnagar Dist.
8. Md. Habeebur Rahaman, s/o. Asmathulla,
   Jagtial, Karimnagar Dist.
9. Khaja, s/o. Md. Ameer,
   Jagtial, Karimnagar Dist.
10. Md. Yusuf, s/o. Khaja Moinuddin,
    Jagtial, Karimnagar Dist.
11. Md. Zaheeruddin, s/o. Gulam Dastagiri,
    Jagtial, Karimnagar Dist.
12. Gangipally Nagabushanam, s/o. Rajam,
    Jagtial, Karimnagar Dist.
13. Rachakonda Ravinder, s/o. Seshaiah,
    Jagtial, Karimnagar Dist.
14. Mudapally Anjaiah, s/o. Lachaiah,
    Jagtial, Karimnagar Dist.
15. Md. Basheer Khan, s/o. Tajaddin,
    Jagtial, Karimnagar Dist.
16. Racharla Limbadri, s/o. Kantham,
    Jagtial, Karimnagar Dist.
17. Vtarikari Sayanna, s/o. Yellaiah,

Jagtial, Karimnagar Dist.

..... PETITIONERS

AND

1. The Municipal Commissioner,
   Jagital Municipally, Jagtial Karimnagar Dist.
2 The Station Fire Officer,
   Jagtial , Karimnagar Dist. **.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in seeking to evict the petitioners or demolish or their shops/sheds, opposite to New Bus Stand, Jagtial as illegal, arbitrary and without jurisdiction and consequently direct the Respondents to permit the Petitioners to carry on the business by granting permanent allotment of land at their respective shops and the places and grant such other relief or reliefs.

Counsel for the Petitioners: Mr. G. Vidya Sagar

Counsel for the Respondent No.1: G.P. FOR MUNCIPAL ADMN. &

URBAN DEVELOPMENT

Counsel for the Respondent No.2: G.P. FOR HOME

The Court made the following

ORDER:

Heard both sides.

The petitioners seek a direction to the respondents to allot the plots occupied by them, in which they erected mini shops, and further seek declaration that the action of the respondents in seeking to evict them or demolish the shops/sheds, which are

in their possession as illegal and arbitrary.

From the averments made in the affidavit, filed in support of the writ petition, it appears that the petitioners have been in possession of certain shops, which were erected in the occupied plots belonging to the Jagtial Municipality and, for various reasons, the said Municipality wanted to demolish those shops. Admittedly, the work of demolishing the shops belonging to the Municipality has to be undertaken by the respondents after putting the petitioners on notice and after giving reasonable opportunity to them, and the respondents have to proceed further following due process of law. It further appears that the representations have been made to the respondents by the petitioners, and the result of which is still not known.

This Court granted interim direction in W.P.M.P.No.208 of 1995, dated 03-01-1995 to the respondents not to evict the petitioners from the present premises except in accordance with law.

In view of the facts and circumstances of the case, it is made clear that having regard to the interim orders already granted by this Court, suffice it to dispose of the present Writ Petition with a direction to the respondents to follow the procedure prescribed under law before seeking eviction of the petitioners from the shops in the plots, which belong to the Jagtial Municipality, and also to consider the representations, if any, made by the petitioners, in accordance with law.

The S*tatus quo* obtaining as on today, shall be maintained till final decision is taken in the matter.

The writ petition is accordingly disposed of. No costs.

D.S.R. VARMA, J

23rd September, 2004

lsn/Krk

To

1. The Municipal Commissioner,
   Jagital Municipally, Jagtial Karimnagar Dist.
2 The Station Fire Officer,
   Jagtial , Karimnagar Dist.

3. Two CCs each to the G.P. for Municipal Administration & Development

and G.P. for Home, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.